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Date/Time: 2005-09-16 20:35:43 GMT

To Fascimile Number: 15712738300

Attention: MAIL STOP: AMENDMENT

Company: USPTO

Re: App. No.: 09/901,317; Docket No. 2000-0280Con

Cover Message:

**Please find attached a response in the
above-referenced case.**

Respectfully submitted,

The Law Office of Thomas M. Isaacson

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Thus, Logan discloses it is best if users within a region are associated with servers in or near that region, unless the nearby server is down or overloaded. Applicants submit that users being associated with nearby servers, unless the nearby servers are down or overloaded is not equivalent to choosing the content distribution network if a measured load on the content network distribution network does not exceed a predetermined capacity reserved on the content distribution network. Logan is silent regarding any capacity being reserved on a content distribution network. Even if one were to assume that the predetermined capacity is the entire capacity of the server, Logan is completely silent regarding reserving the predetermined capacity on the content distribution network.

For at least the above-mentioned reasons, Applicants submit that neither Joffe nor Logan discloses or suggests, either separately or in any combination, that the content distribution network is chosen only if the measured load on the content distribution network does not exceed a predetermined capacity reserved on the content distribution network, as required by claim 5. Therefore, Applicants respectfully request that the rejection of claim 5 be withdrawn.

Claims 11-18 depend from claim 5 and are patentable over Jaffe and Logan for at least the reasons discussed with respect to claim 5. Therefore, Applicants respectfully request that the rejection of claims 11-18 be withdrawn.

Amended claim 6 depends from claim 3 and further recites that the content to be served by the chosen content distribution network comprises content embedded in a document to be served to the client and wherein redirecting the client to the chosen content distribution network further comprises rewriting references to the embedded content before serving the document to the client. On page 5 of the Office Action, the Examiner alleged that Logan, at col. 3, lines 8-11, discloses that the content to be served by the chosen content distribution network comprises content embedded in a document to be served to the client, and that redirecting the client to the chosen content distribution network further comprises

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rewriting references to the embedded content before serving the document to the client.

Applicants disagree.

Logan, at col. 3, lines 8-11, discloses:

An actual Internet web-site that serves the web-pages to a client in response to a URL domain name is automatically and transparently selected from a list of many distributed sites each having identical data storage.

Thus, Logan discloses selecting, in response to receiving a URL domain name, a web-site from a list of distributed web sites with identical data storage that serves web pages to a client.

Logan, at col. 3, lines 22-25, discloses:

The switch then sends the domain name server response back to client domain name server with the IP-addresses in an ordered list.

Thus, Logan discloses sending a response to a server domain name request to a client domain name server with IP-addresses in an ordered list. Nothing in Logan, discloses or suggests rewriting references to embedded content before serving the document to the client.

Applicant submits that the above-cited portions of Logan, as well as any other portion of Logan, fail to disclose or suggest content being embedded in a document to be served to a client, as well as, redirecting the client to the chosen content distribution network further comprising rewriting references to the embedded content before serving the document to the client. Applicants further submit that Joffe fails to satisfy the deficiencies of Logan.

Therefore, Applicants respectfully request that the rejection of claim 6 be withdrawn.

Claims 7-10 depend from claim 6 and are patentable over Joffe and Logan for at least the reasons discussed with respect to claim 6. Therefore, Applicants respectfully request that the rejection of claims 7-10 be withdrawn. Applicants further submit that claims 7-10 are patentable for other reasons.

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For example, claim 7 further recites that the reference to the embedded content is rewritten to point to a server in the chosen content distribution network. The Examiner alleged that Logan, at col. 49-56, discloses this feature. Applicants disagree.

Logan, at col. 49-56, discloses:

In embodiments of the present invention, the distributed-server switch 108 will return a set of IP-addresses that represent a virtual-IP (VIP). For example, the distributed-server switch 108 could respond to the URL query with a set of IP-addresses including "192.168.13.20", "162.113.25.28", and "172.176.110.10", any one of which could satisfy web-based content and service demands associated with the single URL.

Thus, Logan discloses returning a set of IP addresses, or a virtual IP address. However, returning a set of IP addresses, or a virtual IP address is not equivalent to rewriting the reference to embedded content to point to a domain name served by the content distribution network, as required by claim 7.

Similar to claim 7, claim 8 depends from claim 6 and further recites that the reference to the embedded content is rewritten to point to a domain name served by the content distribution network. Applicants submit that Logan does not disclose or suggest this feature for reasons similar to those provided with respect to claim 7.

Claim 9 depends from claim 6 and further recites that the reference to the embedded content is rewritten so that an original reference may be readily parsed from a corresponding one of the rewritten references. The Examiner alleged that Logan discloses this feature at col. 3, lines 18-25 and col. 4, lines 47-60. Applicants disagree.

Logan, at col. 3, lines 18-25, discloses:

The switch chooses a next remote server (or one of its own virtual Internet protocol addresses) based on, (a) the remote server location compared to domain name server request source, (b) the remote servers' weights, and (c) the remote server that experienced the previous hand-off. The switch then sends the domain name server response back to client domain name server with the IP-addresses in an ordered list.

Thus, Logan discloses a switch choosing a next remote server and sending the domain name server response back to the client domain name server with IP addresses in an ordered list.

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However, Applicants submit that this is not equivalent to the reference to the embedded content being rewritten so that an original reference may be readily parsed from a corresponding one of the rewritten references. Logan fails to disclose or suggest a reference being rewritten.

Claim 10 depends from claim 9 and further recites that the chosen content distribution network utilizes the corresponding one of the rewritten references to obtain the embedded content if the chosen content distribution network does not have an up-to-date copy of the embedded content in a cache. The Examiner alleged that Logan, at col. 4, lines 1-9, discloses or suggests this feature. Applicants disagree.

Logan, at col. 4, lines 1-9, discloses:

In client-Z 102, a domain name server "getByHostname" query is actually issued to a local domain name server, asking for the numeric Internet Protocol address (IP-address) that has been registered for use with "www.alteon.com". Each local domain name server checks to see if it already knows the IP-addresses for the hosts that service particular domain name and host. It could know this by having previously needing this information and storing the answer it discovered in a local private cache memory. If the local domain name server does not know the hostname IP-address for a requested URL domain name, it will perform an iterative query to a domain name server higher in the DNS hierarchy. Such domain name server query will either be answered by a higher level domain name server, or the request will ultimately bubble up to one of a distributed-server network switch sites 106, 108, or 110.

Thus, Logan discloses a local domain name server checking a local private cache memory for the IP-addresses for the hosts that service a particular domain name and host. An iterative query will be performed if the IP-addresses are not in the local private cache memory. However, the cited portion of Logan, as well as any other portion, fails to disclose or suggest that the chosen content distribution network utilizes a corresponding one of the rewritten references to obtain embedded content if the chosen content distribution network does not have an up-to-date copy of the embedded content in a cache, as required by claim 10. Logan fails to mention anything about rewritten references.

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Amended independent claim 22 is directed to a brokering domain server that includes, among other things, a policy module which directs a domain name system engine to answer domain name system queries in accordance with a predetermined policy which resolves a domain name to a server in a content distribution network chosen from a plurality of content distribution networks, wherein the policy module further includes an interface to information received from the plurality of content distribution networks and wherein the policy module modifies the predetermined policy in response to the information, and the information further comprises load information and the predetermined policy reflects capacity reserved on each of the plurality of content distribution networks. The Examiner alleged that Logan at col. 5, lines 45-59, discloses or suggests that the information further includes load information and that the predetermined policy reflects capacity reserved on each of the plurality of content distribution networks. Applicants disagree.

Logan, at col. 5, lines 45-59, discloses:

The distributed-server load-balancing system 100 of FIG. 1 uses a domain name server to respond to DNS-requests for VIP sites. The "www.alteon.com" example represents several VIP's scattered through the United States with access to the same content for the Alteon Web distributed-server.

Thus, Logan discloses a domain name server that responds to domain name server requests for scattered virtual IP address sites with access to the same content. However, Logan is completely silent regarding the information further comprising load information and the predetermined policy reflecting capacity reserved on each of the plurality of content distribution networks. That is, Logan does not disclose or suggest reserving capacity. As discussed previously, with respect to claim 5, Logan, at col. 9, lines 56-67, discloses that servers may become overloaded. If the capacity was reserved on nearby servers, then the nearby servers would not become overloaded. Consequently, Logan fails to disclose or suggest a policy module which directs a domain name system engine to answer domain name system queries in accordance with a predetermined policy which resolves a domain name to a

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server in a content distribution network chosen from a plurality of content distribution networks, wherein the policy module further includes an interface to information received from the plurality of content distribution networks and wherein the policy module modifies the predetermined policy in response to the information, and the information further comprises load information and the predetermined policy reflects capacity reserved on each of the plurality of content distribution networks, as required by claim 22.

Applicants submit that Jaffe fails to satisfy the deficiencies of Logan. Therefore, Applicants respectfully request that the rejection of claim 22 be withdrawn.

Claims 20 and 21 depend from claim 22 and are patentable over Jaffe and Logan for at least the reasons discussed with respect to claim 22. Therefore, Applicants respectfully request that the rejection of claims 20 and 21 be withdrawn.

Claim 24 is directed to a method of redirecting content requests between content distribution networks. The method includes, among other things, rewriting a document so that embedded content references point to content stored at chosen content distribution network. The Examiner alleged that Logan, at col. 3, lines 18-22, discloses or suggests this feature. Applicants disagree.

Logan, at col. 3, lines 18-22, discloses:

The switch chooses a next remote server (or one of its own virtual Internet protocol addresses) based on, (a) the remote server location compared to domain name server request source, (b) the remote servers' weights, and (c) the remote server that experienced the previous hand-off.

Applicants submit that the above-cited portion of Logan, as well as any other portion of Logan, fails to disclose or suggest rewriting a document so that embedded content references point to content stored at chosen content distribution network, as required by claim 24.

Applicants submit that Joffe also fails to disclose or suggest this feature. Therefore, Applicants respectfully request that the rejection of claim 24 be withdrawn.

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New Claims 25-28

New claim 25 has features similar to those of claim 5 and is patentable for at least reasons similar to those discussed with respect to claim 5.

New claims 26-28 depend from claim 25 and are patentable for at least the reasons discussed with respect to claim 25.

CONCLUSION

Having addressed all rejections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

Date: September 16, 2005

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